

**60.50. SPECIAL USE REGULATIONS****60.50.03 Accessory Dwelling Unit** [ORD 4048; June 1999]

1. **Purpose.** Accessory dwelling units are intended to increase the City's housing stock while minimizing neighborhood impacts, respecting the scale and design of detached dwelling residential neighborhoods, and maintaining their character. At the same time, accessory dwelling units are not intended to apply toward any minimum density requirements in other sections of this Code. [ORD 4224; August 2002]
2. **Design Standards.** The following design standards are specific to the construction of an accessory dwelling unit. The standards are intended to ensure that the accessory dwelling units are compatible in scale, architectural design, and accessory to the primary residence. Where development standards are absent in this section, the development standards of the underlying zone apply.
  - A. An accessory dwelling unit may be created in the following manner:
    1. Conversion of existing living area, attic, basement or required parking;
    2. Adding floor area, subject to the limitations of the zoning district in which it is located;
    3. Constructing a new structure, attached structure, or manufactured home with an internal or detached accessory dwelling unit.
  - B. Parking.
    1. Where the accessory dwelling unit is built on parking areas required for the primary dwelling, the required parking shall be replaced on site.
    2. One additional parking space is required on site.
  - C. Location.
    1. Accessory dwelling units must be attached by the floor, ceiling, wall, or portion thereof to the primary unit or must be separated by 8-feet from the primary unit.

60.50.03.2.C.

2. Accessory dwelling units shall be built in accordance with state and local codes.

[ORD 4224; August 2002]

**60.50.05. Accessory Uses and Structures.** (Other than Accessory Dwelling Units) [ORD 4048; June 1999]

1. Uses and structures normal, incidental and subordinate to the uses allowed as permitted uses in any zone are allowed as accessory uses and structures subject to the provisions of this section.
2. Accessory uses and structures for conditional uses shall be allowed only after approval of an Administrative Conditional Use pursuant to Section 40.15.15.3. and only after the principal use has been granted through the Conditional Use process. [ORD 4111; June 2000]
3. All accessory buildings must comply with the following provisions:
  - A. They shall have no more than 700 square feet of floor area; (ORD 3162) [ORD 4224; August 2002]
  - B. They shall not exceed one story;
  - C. They shall not be allowed in a required front yard;
  - D. They shall not be located within eight (8) feet of main building or other accessory building; [ORD 4224; August 2002]
  - E. They shall be located no closer than three (3) feet to any lot line nor built over an easement, whichever is the most restrictive; (ORD 3293; November 1982); [ORD 4224; August 2002]
  - F. They shall cause no encroachment upon or interference with the use of any adjoining property or public right-of-way;
  - G. They shall be built in accordance with building codes. (ORD 3293; November 1982).
4. A conflict of interpretation concerning whether a use or structure is an accessory use or structure shall be resolved in accordance with the provisions of Section 10.20.

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5. A. The Council may, by resolution, establish a list of uses found not to be accessory to specific permitted uses.
- B. Prior to including a use on such list the City Council shall hold a public hearing and allow interested persons an opportunity to testify on the matter.
- C. The City Council may delegate to the Planning Commission the authority to perform the functions authorized and required by this subsection.

**60.50.10. Height Regulations.** The height limitations contained in this ordinance do not apply to normal appurtenances placed on or extending above the roof level, such as spires, belfries, cupolas, chimneys, antennas, except antennas for wireless communication facilities, ventilators, elevator housing, or other structures; provided, however, that no structure shall be erected which fails to comply with any applicable state or federal law or regulation. (ORD 3293; November 1982) [ORD 4107; May 2000] [ORD 4248; April 2003]

**60.50.15. Projections into Required Yards and Public Right-of-Way.** (ORD 3162; March 1980)

1. The following structures may project into required yards, but may not project into a utility easement:
  - A. Paved terraces may project into required front, side or rear yards provided that no structures placed thereon shall violate other requirements of this ordinance.
  - B. Unroofed landings and stairs may project into required front and rear yards only.
  - C. Window sills, belt courses, cornices, eaves and similar incidental architectural features may project not more than 2 feet into any required yard.
  - D. Open fire escapes shall not project more than 4 feet, 6 inches into any required yard.

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- E. Chimneys shall not project more than 24" into any required yard.
  - F. Bay windows may project into the front and rear yard setback by not more than 2 feet. (ORD 3739)
2. Buildings lying within the Regional Center District (RC-TO, RC-OT, RC-E) zones may have the following projections into the public right-of-way; (ORD 3352) [ORD 4058, August 1999]
- A. Planters;
  - B. Awnings and Canopies; [ORD 4107; May 2000]
  - C. Ornamental and architectural features.

The type, size and other features of the projections may be approved by the appropriate decision making authority after receiving a recommendation from the Facilities Review Committee. The decision making authority may also impose reasonable conditions. (ORD 3162; March 1980) [ORD 4224; August 2002]

3. Except as Otherwise Permitted: (ORD 3293)
- A. No person shall obstruct any public right-of-way or any portion thereof or place or cause to be placed therein or thereon anything whatsoever tending to obstruct or interfere with the full and free use of such public right-of-way or in any degree interfere with the normal flow of pedestrian or vehicular traffic.
  - B. No person shall erect, construct, build, raise, place or maintain any post, pole, sign, wall, fence, tree, building structure or any other object in or upon any public right-of-way, except trees planted in planter strips.
  - C. No person in charge of property shall allow anything prohibited by this section or which otherwise restricts the public use of a sidewalk or parking strip abutting such property to remain there.

## Special Use Regulations

**60.50.20. Fences.** Fences in any district may be constructed at the lot line; provided, however, that fences shall comply to all applicable standards established in Section 60.55.50.1. for setback and height limits. (ORD 3162; March 1980) (ORD 3287; October 1982)

**60.50.25. Uses Requiring Special Regulation.** In addition to other standards and requirements by this ordinance, all uses included in this section shall comply with the provisions stated herein. Should a conflict arise between the requirements of this section and other requirements of this ordinance, the more restrictive provision shall control.

1. Kennels, Riding Academies and Stables. Kennels, riding academies and stables shall be located not less than 200 feet from any lot line. Applications for such use when required by this ordinance shall include information which describes the applicant's intended actions to insure that odors, dust, noise, and drainage from the use will not create a nuisance, hazard or health problem to adjoining property uses.
2. Animal Hospitals. An animal hospital shall not be located within 100 feet of a lot in any Residential District. The applicant shall provide information which describes the measures and controls to be taken that are intended to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises. [ORD 4332; November 2004]
3. Cemetery, Crematory, Mausoleum, Columbarium. A cemetery, crematory, mausoleum, or columbarium shall be located to have a principal access to site by way of a street with a collector or higher designation as established by the Comprehensive Plan.
4. Churches, Hospitals, or other Religious or Eleemosynary Institutions. In any residentially zoned property such uses shall be located on a street with a collector or higher designation as established by the Comprehensive Plan. All buildings shall be set back a minimum of 30 feet from a side or rear property line abutting a residential district. (ORD 3162; March 1980) (ORD 3739)
5. Deleted (ORD 4312; June 2004)

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6. Aircraft Landing Facilities. All aircraft landing facilities shall be so designed and so oriented, that the incidence of aircraft passing directly over dwellings during landing or take off is minimized. They shall be located so that traffic, both land and air, shall not severely impact neighboring uses. Applications shall describe the measures taken to prevent noise, vibrations, dust and glare. New aircraft landing facilities shall require a Conditional Use. Prior to obtaining approval for a landing facility, the applicant shall furnish proof of compliance with applicable State and Federal laws and regulations.
7. Natural Resource Extraction.
  - A. Any natural resource extraction operation shall require a Conditional Use. In addition to the information normally required for a Conditional Use application, the following shall also be supplied:
    1. Graphic (and legal) description of the area.
    2. Existing topographic contours (not more than 10 feet contour intervals).
    3. Finished topographic contours when extraction is completed (not more than 10 feet contour intervals).
    4. Existing and proposed buildings and structures on the site.
    5. Principal access points which will be used by truck and equipment, ingress and egress points, internal circulation, and anticipated traffic volume.
    6. Indication of the existing landscape features.
    7. Location and nature of other operations, if any, which are proposed to take place on the site.
  - B. A narrative statement shall also be submitted with the application for a Conditional Use which shall set forth in detail the following information:
    1. Method of drainage.

60.50.25.7.B.

2. Method of fencing or barricading the petition area to prevent casual access.
3. Estimated amount of material to be removed from the site.
4. Estimated length of time necessary to complete the operation.
5. Description of operations or processing which will take place on the site during and after the time and material is extracted.
6. Plan or program of regarding and reshaping the land for future use.
7. Proposed hours of operation.
8. Other pertinent information that may pertain to the particular site.
9. Method to abate overloading of trucks and consequent spillage upon highways.

C. General requirements.

1. Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free; further, where access roads intersect arterials, suitable traffic controls shall be established.
2. A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public right-of-way. This periphery strip shall not be altered except for access points.

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3. All banks shall be graded to a slope no steeper than two (2) units horizontal to one (1) unit vertical unless a soils report provides sufficient information to satisfy the City Engineer that a steeper slope would have long term stability. No concentrated drainage shall be directed onto any slope greater than 15 percent. Slope banks created at the working surface of the excavation shall be kept safe, but shall only need to conform to the above after work has ceased on that surface for a period of one year.
4.
  - a. No alteration to drainage flow onto, or out of property shall be made except as in accordance with a grading and drainage plan approved by the City Engineer. No water shall be retained on site by a dam rising above the natural contour of the site without a plan approved by the City Engineer.
  - b. No pit shall be excavated to a depth which will intersect an imaginary line, extending from the property line, at an angle of 45 degrees from the horizontal downward into the earth. This condition may be waived by the owner of property abutting said property line or by submittal of a soils report demonstrating, to the satisfaction of the City Engineer, that the surcharge which could be generated by a structure on said adjacent property is fully supported by a lesser requirement.
8. Nursery Schools, Day or Child Care Facilities. Nursery schools and day or child care facilities shall provide and thereafter maintain outdoor play areas with a minimum area of 100 square feet per 1/3 the total licensed capacity of children. The Director may approve reduction of this requirement if the facility cares only for infants up to 6 months in age. In all districts, a fence of at least five (5) feet but not more than six (6) feet in height shall be provided separating the outdoor play area from abutting lots.

Facilities licensed for 40 or more children may be required to have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children. The Facilities Review Committee may recommend whether the special driveway design is required, or not. [ORD 4224; August 2002]

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If a Conditional Use is required, in addition to that normally required for a Conditional Use the following information shall also be supplied:

- A. The maximum number of children the facility is proposed to be licensed to care for;
  - B. Ages of the children to be cared for;
  - C. List of any exceptions to the rules governing standards for day care facilities the applicant will be applying for to the Children's Services Division. (ORD 3181, June 1980)
9. Portable Classrooms. Public and private schools shall be permitted to maintain no more than two portable classrooms per school site for a period of no more than one calendar year. The governing body of the school shall obtain a Conditional Use prior to placing any additional portable classrooms on a site occupied by two portables, or if the portables allowed on a site are to remain on the site for a period longer than one calendar year. (ORD 3293; November 1982) [ORD 4224; August 2002]
10. Poultry Farms. In the R-A zone, any building housing more than ten (10) poultry animals shall be located not less than 200 feet from every lot line. Odor, dust, noise, insects or drainage created or fostered by such use shall be controlled in a manner such that surrounding properties and uses are not adversely impacted. (ORD 3293; November 1982)
11. Utilities.
- A. The erection, construction, alteration, or maintenance by public utility or municipal or other governmental agencies of any electrical, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, shall be permitted in any district.

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- B. Private utility services to all structures, residential, commercial, and industrial, on private property shall be placed underground and meet the standards specified by the City Engineer. This requirement may be waived where the Director and City Engineer determine that the requirement is impractical or would cause undue hardship. (ORD 3292; November 1982) [ORD 4118; August 2000]
12. Drop Boxes. Recycling receptacles or charity drop boxes shall not be located in any residential district or in any public right-of-way. Recycling receptacles or charity drop boxes are permitted in any commercial or industrial zone.
13. Park and Ride Facilities. Approved off-street parking lots connected with a non-residential use may be used jointly as park and ride lots if, by determination of the Director after receiving a recommendation from the Facilities Review Committee, the park and ride use will not conflict with the parking needs of the site's principal use both in terms of traffic volume and hours of use, and as long as there are no specific conditions placed on the site by the Director, Planning Commission, Board of Design Review, or the City Council which would preclude such use. Park and ride lots as principal uses are permitted in those zones allowing parking structures and surface parking lots. (ORD 3204; January 1981) [ORD 4224; August 2002]
14. Noise Levels. Noise levels shall meet the standards established by the State of Oregon Department of Environmental Quality. (ORD 3293)
15. Air Quality. Air quality shall meet the standards established by the State of Oregon Department of Environmental Quality. (ORD 3293)

